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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,582	09/09/2003	Markus Durre	01-0035	3411

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FREUDENBERG-NOK GENERAL PARTNERSHIP
INTELLECTUAL PROPERTY DEPT.
47690 EAST ANCHOR COURT
PLYMOUTH, MI 48170-2455

EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,582

Applicant(s)

DURRE, MARKUS

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed December 20, 2004.

Specification

2. The disclosure is objected to because of the following informalities: page 6 lines 9-10, the phrase "mostly the beam with tension works" should be deleted.

Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: it appears that the second occurrence of "an axial direction" in lines 15-16 should be rewritten as "the axial direction".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter wherein the beam structures have a softer stiffness characteristic in a direction generally transverse to an axial direction than in an axial direction is not supported by the originally filed specification. The disclosure indicates that the beam structures are made from a relatively soft material and that they are stiff enough to support the stud element.

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However, the disclosure does not expand upon the specific stiffness of the beam structures in an axial direction and a direction transverse to the axial direction, or the relative stiffness between the two directions.

The claims will be examined in light of the disclosure.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2,797,931 to Hans in view of EP 972 966 to Eckel et al.

Re-claims 1 and 10, Hans teaches in figures 3-5 a vibration mounting assembly for interconnecting a longitudinally extending first member 12 with a second member 4, the mounting assembly comprising: a central stud 13a attached to the longitudinally extending first member 12 at a first end, the longitudinally extending member is attached to a third member (such as a second stud 13, see figure 3) at a second end; an open hollow bracket 9 that surrounds the stud; and elastic members, such as coils or elastic rubber, interconnecting the stud with the bracket. During movement of element 12 one set of elastic members will be in compression while the other set of elastic member will be in tension. The beam structures of Eckel et al. are similar in design to the beam structures illustrated in figure 16 of the instant invention. As such it is the opinion of the examiner that the beam structures of Eckel et al. will perform in a manner

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similar to the claimed invention. However, Hans fails to the elastic supports as being configured as elastomeric beam structures.

Eckel et al. teach a damper mount assembly utilizing individual beam structures 4 to support the dynamic damper or longitudinally extending member. It would have been obvious to one of ordinary skill in the art to have supported the longitudinally extending member in the assembly of Hans with individual elastomeric beam structures as taught by Eckel et al., thus reducing weight and costs of the vibration mounting assembly by reducing the size of the supporting structures.

Re-claim 2, the second member is a vehicle.

Re-claims 3-8, the beams taught by Eckel et al. would have extended along the stud in both opposite generally lateral and longitudinal directions (when viewing the top beams), and generally parallel lateral and longitudinal directions (when viewing diagonally opposite beams). The beams are rubber and can be made of a synthetic as is common in the art. Synthetics will provide a longer lifespan.

Re-claim 9, Hans teaches a pair of vibration mounting assemblies used to support element 12.

Response to Arguments

8. Applicant's arguments filed December 20, 2004 have been fully considered but they are not persuasive. As mentioned previously, it is unclear to the examiner if the applicant has support for the language in amended claim 1. The beam structures of Eckel et al. are similar in design to the beam structures illustrated in figure 16 of the instant invention. As such it is the

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opinion of the examiner that the beam structures of Eckel et al. will perform in a manner similar to the claimed invention.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346 (after April 2005 the new telephone number will be 571-272-7128). The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at (703) 308-3668 (after April 11, 2005 the new telephone number will be 571-272-7099). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

February 18, 2005

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams

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2-18-05